

Serial No. 09/359,652
Docket No. NEC N01270
Amendment B Under Rule 116

REMARKS

Independent claim 1 has been amended to clarify the invention, and to bring claim 1 into line consistent with independent claim 9. No new matter has been added.

Turning to the art rejections, the rejection of claims 1-7, and 9-15 under 35 USC §102(b) as being anticipated by the newly cited U.S. Patent to Peterson et al. (US Patent 6,385,303) is in error. Independent claim 1, as amended, requires "a notifying / instructing unit used to make an instruction continuously notify a user via said speaker or a voice section of said handset that an awaiting state is kept at a time of a response to an incoming call until a voice of a party placing said call is heard through said speaker or a voice receiving section of said handset." Unchanged independent claim 9 contains a similar feature.

Peterson et al. fails to teach notifying the user of an awaiting state because Peterson et al. does not teach an awaiting state. An awaiting state is the period between when an off-hook signal is detected by the control section and when a user is able to hear the voice of the caller. During the awaiting state, the telephone set is preparing to transmit a voice signal but is incapable of transmitting a voice signal to the handset or speaker at that time. Peterson et al. teaches a call answering / call waiting system. At no point after receiving the call is Peterson's device not capable of transmitting the call to the user and thus no awaiting state exists. Stated another way, Peterson et al. does teach delaying the sending of the call to the user, e.g. to allow for call screening but this function is completely different from the function of the notifying/instruction unit of claim 1.

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Furthermore, Peterson et al. does not teach continuously notifying a user. Peterson et al. teaches generating a short audible tone prior to the caller's self-announcement but not a continuous instruction (Column 16, lines 9-15).

Thus, Peterson et al. does not anticipate nor render obvious independent claim 1 or 9.

Claims 2-6, and 10-15 depend directly or indirectly on claims 1 or 9, respectively, and are allowable for the same reasons as stated above, as well as for their own additional limitations.

The rejection of claims 8 and 16 under 35 USC §103(a) as being unpatentable over Peterson et al. in view of Kung et al. (US Patent 6,633,635) also is in error. Claims 8 and 16 depend on claims 1 and 9, respectively. The deficiencies of Peterson et al. are discussed above vis-à-vis the rejection of claims 1 and 9. Kung et al. does not provide the missing teachings. Kung et al. relates to a call manager that manages multiple calls received by a subscriber (Abstract). Nowhere does Kung et al. teach continuously notifying a user of an awaiting state. Thus, no combination of Peterson et al. and Kung et al. could achieve or render obvious claims 1 and 9 or claims 8 and 16 which depend thereon.

Having dealt with all the objections raised by the Examiner, the Application is believed to be in order for allowance. Early and favorable action are respectfully requested.

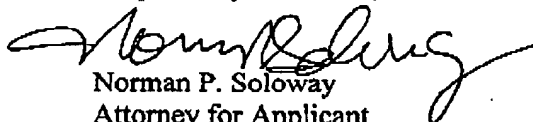
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In the event there are any fee deficiencies or additional fees are payable, please charge them (or credit any overpayment) to our Deposit Account Number 08-1391.

Respectfully submitted,


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I hereby certify that this correspondence is being sent via facsimile to EXAMINER RAMNANDAN P. SINGH of the United States Patent and Trademark Office at facsimile number (703) 872-9306, on February 2, 2005 from Tucson, Arizona.

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